

1 EDMUND G. BROWN JR., Attorney General  
of the State of California

2 LINDA K. SCHNEIDER,  
Supervising Deputy Attorney General

3 KAREN L. GORDON, State Bar No. 137969  
Deputy Attorney General

4 California Department of Justice  
110 West "A" Street, Suite 1100

5 San Diego, CA 92101

6 P.O. Box 85266

San Diego, CA 92186-5266

7 Telephone: (619) 645-2073

Facsimile: (619) 645-2061

8 Attorneys for Complainant

9  
10 **BEFORE THE**  
**VETERINARY MEDICAL BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. AV 2006 19

13 JAMES C. COGHLAN, DVM  
14 WEST 17<sup>th</sup> STREET ANIMAL HOSPITAL  
1745 West 17th Street, Suite C  
15 Santa Ana, CA 92706

**A C C U S A T I O N**

16 Veterinarian License No. 9742  
Premise Permit No. 4414

17 Respondent.  
18

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Susan M. Geranen (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Veterinary Medical Board, Department of  
24 Consumer Affairs.

25 2. On or about September 1, 1987, the Veterinary Medical Board issued  
26 Veterinarian License Number 9742 to James C. Coghlan (Respondent). The License was in full  
27 force and effect at all times relevant to the charges brought herein and will expire on June 30,  
28 2008, unless renewed.

1                   3.       On or about November 20, 1990, the Veterinary Medical Board issued  
2 Premise Permit Number 4414 to West 17<sup>th</sup> Street Animal Hospital, James Coghlan, Managing  
3 Licensee. The Premise Permit was in full force and effect at all times relevant to the charges  
4 brought herein and will expire on May 15, 2008, unless renewed.

5                                   **STATUTORY PROVISIONS**

6                   4.       This Accusation is brought before the Veterinary Medical Board (Board),  
7 Department of Consumer Affairs, under the authority of the following laws. All section  
8 references are to the Business and Professions Code ("Code") unless otherwise indicated.

9                   5.       Section 125.3 of the Code provides in pertinent part that:

10                           In any order issued in resolution of a disciplinary proceeding before any board  
11 within the department, the board may request the administrative law judge to direct a licensee  
12 found to have committed a violation or violations of the licensing act to pay a sum not to exceed  
13 the reasonable costs of the investigation and enforcement of the case.

14                   6.       Section 490 of the Code states, in pertinent part:

15                           A board may suspend or revoke a license on the ground that the licensee has  
16 been convicted of a crime, if the crime is substantially related to the qualifications,  
17 functions, or duties of the business or profession for which the license was issued. A  
conviction within the meaning of this section means a plea or verdict of guilty or a  
conviction following a plea of nolo contendere.

18                   7.       Section 493 of the Code states, in pertinent part:

19                           Notwithstanding any other provision of law, in a proceeding conducted  
20 by a board within the department pursuant to law to deny an application for a  
21 license or to suspend or revoke a license or otherwise take disciplinary action  
22 against a person who holds a license, upon the ground that the applicant or the  
23 licensee has been convicted of a crime substantially related to the qualifications,  
24 functions, and duties of the licensee in question, the record of conviction of the  
crime shall be conclusive evidence of the fact that the conviction occurred, but  
only of that fact, and the board may inquire into the circumstances surrounding  
the commission of the crime in order to fix the degree of discipline or to determine  
if the conviction is substantially related to the qualifications, functions, and duties  
of the licensee in question.

25                   8.       Section 4059 of the Code states, in pertinent part:

26                           (a)     A person may not furnish any dangerous drug, except upon  
27 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian,  
or naturopathic doctor pursuant to Section 3640.7.

28     ///

1                   9.     Section 4081 of the Code states, in pertinent part:

2                   (a)     All records of manufacture and of sale, acquisition, or disposition  
3 of dangerous drugs or dangerous devices shall be at all times during business  
4 hours open to inspection by authorized officers of the law, and shall be preserved  
5 for at least three years from the date of making. A current inventory shall be kept  
6 by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer,  
7 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or  
establishment holding a currently valid and unrevoked certificate, license, permit,  
registration, or exemption under Division 2 (commencing with Section 1200) of the  
Health and Safety Code or under Part 4 (commencing with Section 16000) of Division  
9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or  
dangerous devices.

8                   (b)     The owner, officer, and partner of a pharmacy, wholesaler, or veterinary  
9 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or  
representative-in-charge, for maintaining the records and inventory described in this  
section.

10                   10.     Section 4342 of the Code states, in pertinent part:

11                   (a)     The board may institute any action or actions as may be provided  
12 by law and that, in its discretion, are necessary, to prevent the sale of pharmaceutical  
13 preparations and drugs that do not conform to the standard and tests as to quality  
14 and strength, provided in the latest edition of the United States Pharmacopoeia or the  
National Formulary, or that violate any provision of the Sherman Food, Drug and  
Cosmetic Law . . . .

15                   (b)     Any knowing or willful violation of any regulation adopted pursuant to  
16 Section 4006 shall be subject to punishment in the same manner as is provided in  
Sections 4336 [dangerous drugs by use of a minor as an agent - a felony] and 4321  
[knowing violation of chapter - a misdemeanor.]

17                   11.     Section 4809.5 of the Code states:

18                   The board may at any time inspect the premises in which veterinary  
19 medicine, veterinary dentistry, or veterinary surgery is being practiced.

20                   12.     Section 4846.4 of the Code states:

21                   (a)     Each individual licensed by the board shall biennially apply for  
22 renewal of his or her license or registration on or before the last day of the  
applicant's birthday month. The application shall be made on a form provided  
23 by the board.

24                   (b)     The application shall contain a statement to the effect that the applicant  
25 has not been convicted of a felony, has not been the subject of professional disciplinary  
26 action taken by any public agency in California or any other state or territory, and  
has not violated any of the provisions of this chapter. If the applicant is unable  
to make that statement, the application shall contain a statement of the conviction,  
professional discipline, or violation.

27                   (c)     The board may, as part of the renewal process, make necessary  
28 inquiries of the applicant and conduct an investigation in order to determine if  
cause for disciplinary action exists.

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13. Section 4850 of the Code states:

Every person holding a license under this chapter shall conspicuously display the license in his or her principal place of business.

14. Section 4853 of the Code states, in pertinent part:

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

15. Section 4853.6 of the Code states, in pertinent part:

(b) When the licensee manager has, under proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the license to practice veterinary medicine, surgery, and dentistry revoked or suspended.

16. Section 4856 of the Code states:

(a) All records required by law to be kept by a veterinarian subject to this chapter [the Veterinary Medicine Practice Act], including, but not limited to, records pertaining to diagnosis and treatment of animals and records pertaining to drugs or devices for use on animals, shall be open to inspection by the board, or its authorized representatives, during an inspection as part of a regular inspection program by the board, or during an investigation initiated in response to a complaint that a licensee has violated any law or regulation that constitutes grounds for disciplinary action by the board. A copy of all those records shall be provided to the board immediately upon request.

(b) Equipment and drugs on the premises, or any other place, where veterinary medicine, veterinary dentistry, veterinary surgery, or the various branches thereof is being practiced, or otherwise in the possession of a veterinarian for purposes of that practice, shall be open to inspection by the board, or its authorized representatives, during an inspection as part of a regular inspection program by the board, or during an investigation initiated in response to a complaint that a licensee has violated any law or regulation that constitutes grounds for disciplinary action by the board.

17. Section 4875 of the Code provides, in pertinent part, that the

Board may revoke or suspend the license of any person to practice veterinary medicine or any branch thereof, or assess a fine of not more than \$5,000, for any causes provided in the Veterinary Medicine Practice Act (Bus. & Prof. Code, § 4800, et seq). A fine may be assessed in lieu of or in addition to a suspension or revocation.

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1           18.     Section 4876 of the Code provides, in pertinent part, that in addition to its  
2 authority to suspend or revoke a license, or assess a fine, the Board shall have the authority to  
3 place a licensee on probation.

4           19.     Section 4883 of the Code provides, in pertinent part, that the Board may  
5 revoke or suspend a veterinarian's license or assess a fine for:

6           (a)     Conviction of a crime substantially related to the qualifications, functions,  
7 or duties of veterinary medicine, surgery, or dentistry, in which case the record of the conviction  
8 shall be conclusive evidence.

9           .....

10          (c) Violating or attempting to violate any of the provisions of this chapter [the  
11 Veterinary Medicine Practice Act].

12          .....

13          (g) Unprofessional conduct, that includes, but is not limited to, the following:

14          ..... (2)(A) The use of or prescribing for or administering to himself, any  
15 controlled substance.

16                   (B) The use of any of the dangerous drugs or of alcoholic beverages to  
17 the extent, or in any manner as to be dangerous or injurious to a person licensed under this  
18 chapter, or to any other person or the public; or to the extent that the use impairs the ability of  
19 the person so licensed to conduct with safety the practice authorized by the license.

20           (3)     A violation of any federal statute, rule, or regulation or any of the  
21 statutes, rules, or regulations of this state regulating dangerous drugs or controlled substances.

22          .....

23          (i)     Fraud, deception, negligence, or incompetence in the practice of  
24 veterinary medicine.

25          (j) Aiding or abetting in any acts that are in violation of provisions of this chapter  
26 [the Veterinary Medicine Practice Act].

27          .....

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1 (o) Violation, or the assisting or abetting violation, of any regulations adopted by  
2 the board pursuant to this chapter [the Veterinary Medicine Practice Act].

3 20. Section 4885 of the Code states, in pertinent part:

4 A plea or verdict of guilty or a conviction following a plea of nolo  
5 contendere made to a charge of a felony or of any offense related to  
6 the practice of veterinary medicine is deemed to be a conviction within  
7 the meaning of this article.

8 21. Section 11240 of the Health and Safety Code states:

9 "No veterinarian shall prescribe, administer, or furnish a controlled substance for  
10 himself or any other human being."

11 22. Section 12500 of the Vehicle Code states, in pertinent part:

12 (a) A person may not drive a motor vehicle upon a highway, unless the person  
13 then holds a valid driver's license . . . .

14 23. Section 23152 of the Vehicle Code states, in pertinent part:

15 (a) It is unlawful for any person who is under the influence of any alcoholic  
16 beverage or drug, or under the combined influence of any alcoholic beverage and  
17 drug, to drive a vehicle.

18 (b) It is unlawful for any person who has 0.08 percent or more, by weight, of alcohol  
19 in his or her blood to drive a vehicle. For purposes of this article and Section  
20 34501.16, percent, by weight, of alcohol in a person's blood is based upon grams  
21 of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.  
22 In any prosecution under this subdivision, it is a rebuttable presumption that the  
23 person had 0.08 percent or more, by weight, of alcohol in his or her blood at the  
24 time of driving the vehicle if the person had 0.08 percent or more, by weight,  
25 of alcohol in his or her blood at the time of the performance of a chemical test  
26 within three hours after the driving.

27 24. California Code of Regulations, Title 16 ("CCR") section 2030, states in  
28 pertinent part:

29 All fixed premises where veterinary medicine and its various branches are  
30 being practiced, and all instruments, apparatus and apparel used in connection with  
31 those practices, shall be kept clean and sanitary at all times and shall conform to or  
32 possess the following minimum standards:

33 . . . .

34 (d) If animals are housed or retained for treatment, the following shall be  
35 provided:

36 . . . .

37 ///

1 (3) If there are to be no personnel on the premises during any time an  
2 animal is left at the veterinary facility, prior written notice of this fact shall be given  
3 to the client. For purposes of this paragraph, prior written notice may be accompanied  
4 by posting a sign in a place and manner conspicuous to the clients of the premises,  
5 stating that there may be times when there is no personnel on the premises.

6 (e) When a veterinary premises is closed, a sign shall be posted at the  
7 entrance with a telephone number and location where pre-arranged veterinary care  
8 is available. An answering machine or service shall be used to notify the public  
9 when the veterinary premises will be re-opened and where pre-arranged veterinary  
10 care is available. If no after hours emergency care is available, full disclosure  
11 shall  
12 be provided to the public prior to rendering services.

13 (f) The veterinary premises shall meet the following standards:

14 . . . .

15 (6) All drugs and biologicals shall be maintained, administered, dispensed  
16 and prescribed in compliance with state and federal laws.

17 . . . .

18 (g) A veterinary premises which provides aseptic surgical services shall  
19 comply with the following:

20 (1) A room, separate and distinct from all other rooms shall be reserved  
21 for aseptic surgical procedures which require aseptic preparation. Storage in the  
22 surgery room shall be limited to items and equipment normally related to surgery  
23 and surgical procedures. A veterinarian may perform emergency aseptic surgical  
24 procedures in another room when the room designed for aseptic surgery is occupied  
25 or temporarily unavailable.

26 25. California Code of Regulations, Title 16 ("CCR") section 2032.2, states:

27 (a) A written order, by a veterinarian, for dangerous drugs, as defined  
28 by Section 1747.1, Title 16, California Code of Regulations, shall include the following  
information:

- (1) The name, signature, address and telephone number of the  
prescribing veterinarian.
- (2) The veterinarian's license number and his or her federal  
registry number if a controlled substance is prescribed.
- (3) The name and address of the client.
- (4) The species and name, number or other identifying information  
for the animal.
- (5) The name, strength, and quantity of the drug(s).
- (6) Directions for use, including, if applicable, withdrawal time.
- (7) Date of issue.
- (8) The number of refills.

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2 (b) All drugs dispensed shall be labeled with the following information:

3 (1) Name, address and telephone number of the facility.

4 (2) Client's name.

5 (3) The species and name, number, or other identifying information  
for the animal.

6 (4) Date dispensed.

7 (5) Directions for use, including, if applicable, withdrawal time.

8 (6) The manufacturer's trade name of the drug or the generic names,  
strength (if more than one dosage form exists), and quantity of  
drug, and the expiration date when established by the  
manufacturer.

9 (7) Name of prescribing veterinarian.

10 26. Code of Federal Regulations, Title 21 ("CFR") section 1301.75, states in  
pertinent part:

11 (a) Controlled substances listed in Schedule I shall be stored in a securely  
locked, substantially constructed cabinet.

12 (b) Controlled substances listed in Schedules II, III, IV, and V shall be  
13 stored in a securely locked, substantially constructed cabinet. However, pharmacies  
and institutional practitioners may disperse such substances throughout the stock of  
14 noncontrolled substances in such a manner as to obstruct the theft or diversion of the  
controlled substances.

15 27. Code of Federal Regulations, Title 21 ("CFR") section 1304.22, provides  
16 in pertinent part:

17 Each person registered or authorized to distribute or dispense controlled  
18 substances shall maintain records with specific information.

19 **INSPECTION - AUGUST 12, 2003**

20 28. On December 27, 2002, the Veterinary Medical Board received a  
21 telephone call from T.T., a pharmacist at Savon Pharmacy in Santa Ana, stating that she had a  
22 concern about the amount of Tylenol Codeine IV that was being ordered by Respondent.

23 29. On August 12, 2003, J.V., DVM, a Veterinary Medical Board consultant,  
24 who is a licensed doctor of veterinary medicine, performed a complaint-related inspection of  
25 Respondent's premises, 17<sup>th</sup> Street Animal Hospital. Senior Investigator S.C. with the Division  
26 of Investigation also participated in the inspection of Respondent's facility on August 12, 2003.

27 30. The Board requested that Dr. J.V. audit Respondent's control drug  
28



1 inventory and match Respondent's drug inventories with his controlled drug log.

2           31. Investigator S.C. advised Respondent of the complaint and asked  
3 Respondent to produce his log for his controlled substances. Investigator S.C. explained to  
4 Respondent that they needed to reconcile the amount of controlled substances he had in his  
5 inventory against the log. Respondent did not have any accounting of controlled substances or  
6 drug logs for controlled drugs kept at his facility.

7           32. At the time of the inspection, Respondent did not have his doctor of  
8 veterinary medicine license posted.

9           33. Respondent did not have posted in his office at the time of the inspection,  
10 the required notice that he did not have any staff on the premises after hours.

11           34. At the time of the inspection, Respondent did not have a posted referral  
12 for emergency treatment after hours.

13           35. At the time of the inspection, numerous drugs on the shelves in  
14 Respondent's work area were expired.

15           36. A review of Respondent's charts at the time of the inspection revealed that  
16 Respondent failed to document amounts of controlled substances given on patient charts.

17                           **RECORD REVIEW - APRIL, 2004**

18           37. During April of 2004, K.H., DVM, a Veterinary Medical Board  
19 consultant, who is a licensed doctor of veterinary medicine, reviewed records relating to  
20 Respondent and 17<sup>th</sup> Street Animal Hospital.

21           38. Dr. H reviewed the sales reports from various veterinary and  
22 pharmaceutical distributors that were contacted as part of the initial investigation in August of  
23 2003.

24           39. Dr. H also reviewed the controlled substance audit performed by Dr. V as  
25 part of the August 2003 investigation.

26           40. Dr. H reviewed Respondent's controlled substances logs and found that  
27 Respondent's controlled substances logs were not complete or accurate.

28           41. Dr. H reviewed the amount of controlled substances purchased and used

1 monthly by Respondent. Dr. H found that Respondent used far fewer amounts of controlled  
2 substances each month than he purchased. Dr. H also found that Respondent's usage of  
3 controlled substances was much higher than average. In addition, Respondent ordered a far  
4 wider range of various controlled substances than most practitioners would use. Respondent  
5 ordered many controlled substances that are rarely used in veterinary medicine.

6 42. Dr. H concluded that it was apparent that Respondent was diverting  
7 controlled substances either through personal use or through illegal sales.

8 **FOLLOW UP INSPECTION - APRIL 26, 2004**

9 43. On April 26, 2004, K.H., DVM, a Veterinary Medical Board consultant,  
10 who is a licensed doctor of veterinary medicine, performed a follow up inspection. Senior  
11 Investigator S.C. and Supervising Investigator F.M. with the Division of Investigation also  
12 participated in the follow up inspection of Respondent and his facility on April 26, 2004.

13 44. The investigation revealed that Respondent was out of compliance with  
14 statutes, rules, and regulations in several areas as follows:

15 45. Respondent failed to reconcile his drug inventory to his controlled  
16 substance log.

17 46. Respondent had his autoclave in his surgical suite.

18 47. Respondent had expired medications on the shelves.

19 48. Respondent's controlled substances were not properly secured.

20 49. Respondent failed to properly account for his controlled substances.  
21 Respondent kept his accounting of controlled substances on small scraps of paper and on pre-  
22 printed forms that failed to contain usage amounts and remaining balances.

23 **SEARCH WARRANT - SEPTEMBER 2004**

24 50. On October 28, 2002, the Veterinary Medical Board received a telephone  
25 call from the Board of Equalization informing them that S.G., an unlicensed person, was selling  
26 veterinary prescription drugs on eBay.

27 51. The Division of Investigation conducted an investigation of S.G. and  
28 learned that several veterinarians were supplying him with veterinary products. Respondent was

1 one of the veterinarians discovered to be supplying S.G. with veterinary products.

2 52. On July 14, 2003, the Veterinary Medical Board received a complaint  
3 from the Food and Drug Administration (FDA) that consumers purchased misbranded flea  
4 products that were illegally imported and were causing adverse reactions in cats. The products  
5 were traced back to S.G.

6 53. On September 24, 2004, the Division of Investigation served a search  
7 warrant on S.G.'s residence. The Division of Investigation learned that S.G. was ordering  
8 veterinary products using various veterinarians' names and license numbers. S.G. gave the  
9 veterinarians a "cut" of the money for allowing him to do this.

10 54. The investigation revealed that Respondent was receiving money from  
11 S.G.

12 55. The documents reviewed in this investigation revealed that Respondent  
13 furnished S.G. with veterinary, dangerous drugs outside the veterinarian-client-patient  
14 relationship.

#### 15 APPLICATIONS FOR RENEWAL

16 56. Respondent is required to biennially apply for renewal of his license  
17 pursuant to section 4846.4 of the Business and Professions Code. Section 4846.4 also requires  
18 that Respondent's application for renewal contain a statement that he has not been convicted of a  
19 felony. If Respondent is unable to make that statement, section 4846.4 requires that Respondent  
20 submit a statement of the conviction with the application.

21 57. In Respondent's June 14, 2004 application for renewal, he failed to state  
22 that he was convicted on April 21, 2004 of a violation of Vehicle Code section 23152 (b), for  
23 driving while under the influence of drugs or alcohol with 0.08 percent or more by weight of  
24 alcohol in his blood.

25 58. In Respondent's June 27, 2006 application for renewal, he failed to state  
26 that he was convicted on August 3, 2004 of a violation of Vehicle Code section 12500 (a),  
27 driving without a license.

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2 **FIRST CAUSE FOR DISCIPLINE**

3 **(August 3, 2004 Criminal Conviction -**  
4 **Driving While Under the Influence of Alcohol or Drugs**  
5 **on October 30, 2003)**

6 59. Respondent's Veterinarian's License Number 9742 and Premise Permit  
7 Number 4414 are subject to disciplinary action under Code sections 490, 4875, and 4883(a) in  
8 that Respondent was convicted of a crime that is substantially related to his qualifications as a  
9 veterinarian. On or about August 3, 2004, in the Superior Court for the County of Orange,  
10 Newport Beach Facility in a case entitled *People vs. James Christian Coghlan* (Sup. Ct., Orange  
11 County, 2004, Case No. 04HM00339), Respondent pled guilty to a violation of Vehicle Code  
12 section 23152 (b), Driving While Under the Influence of Drugs or Alcohol with 0.08 percent or  
13 more by weight of alcohol in his blood. The circumstances of the conviction are as follows:

14 60. On or about October 30, 2003, Respondent was arrested for driving a  
15 vehicle while under the influence of alcohol and drugs.

16 61. Pursuant to the Plea Agreement, on or about August 3, 2003, Respondent  
17 was sentenced to three (3) years probation, fines, and other terms and conditions.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(April 21, 2004 Criminal Conviction -**  
20 **Driving Without a License on February 18, 2004)**

21 62. Respondent's Veterinarian's License Number 9742 and Premise Permit  
22 Number 4414 are subject to disciplinary action under Code sections 490, 4875, and 4883 (a) in  
23 that Respondent was convicted of a crime that is substantially related to his qualifications as a  
24 veterinarian. On or about April 21, 2004, in the Superior Court for the County of Orange,  
25 Harbor Justice Center, Laguna Niguel Facility in a case entitled *People vs. James Christian*  
26 *Coghlan*  
27 (Sup. Ct., Orange County, 2004, Case No. 04SM01636), Respondent pled guilty to a violation of  
28 Vehicle Code section 12500 (a), Driving Without a License. The circumstances of the  
conviction are as follows:

1           63.     On or about February 18, 2004, Respondent was arrested for driving a  
2 vehicle when his driver's privilege was suspended and revoked and when he had knowledge of  
3 such suspension and revocation. Respondent was also arrested for unlawfully and falsely  
4 representing and identifying himself to a peace officer upon a lawful detention and arrest, in  
5 order to evade the process of the court and to evade proper identification by the investigating  
6 officer. Respondent was additionally arrested for failing to maintain insurance or proof of  
7 financial responsibility for said vehicle when requested to do so.

8           64.     Pursuant to the Plea Agreement, on or about April 21, 2004, Respondent  
9 was sentenced to pay fines.

10                           **THIRD CAUSE FOR DISCIPLINE**

11                           **(Furnishing Dangerous Veterinary Drugs Outside the**  
12                           **Veterinarian/Client/Patient Relationship)**

13           65.     Respondent's Veterinarian's License Number 9742 and Premise Permit  
14 Number 4414 are subject to disciplinary action under Code sections 4875 and 4883 (g)(3) in that  
15 Respondent violated statutes, rules, and regulations regarding dangerous drugs and controlled  
16 substances when he furnished veterinary and dangerous drugs outside the veterinarian/client  
17 patient relationship in violation of California Code of Regulations Section 2032.2 as set forth in  
18 paragraphs 51 and 55 above.

19                           **FOURTH CAUSE FOR DISCIPLINE**

20                           **(Failure to Keep Accounting of Controlled Substances)**

21           66.     Respondent's Veterinarian's License Number 9742 and Premise Permit  
22 Number 4414 are subject to disciplinary action under Code sections 4081 and 4883 in that  
23 Respondent violated statutes, rules, and regulations regarding dangerous drugs and controlled  
24 substances when he failed to keep an accounting or drug log of controlled substances and drugs  
25 kept at his facility as required by Code section 4081 as set forth in paragraph 31 above.

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3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Display License)**

5 67. Respondent's Veterinarian's License Number 9742 and Premise Permit  
6 Number 4414 are subject to disciplinary action under Code sections 4850 and 4883 in that  
7 Respondent failed to display a copy of his Veterinarian's License in his principal place of  
8 business as required by Code section 4850 as set forth in paragraph 32 above.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Failure to Post Notice of No Staff on Premises after Hours)**

11 68. Respondent's Veterinarian's License Number 9742 and Premise Permit  
12 Number 4414 are subject to disciplinary action under Code section 4883 and California Code of  
13 Regulations (CCR) section 2030(d)(3) in that Respondent failed to post the required notice in his  
14 office that he did not have any staff on the premises after hours as required by CCR section  
15 2030(d)(3) as set forth in paragraph 33 above.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Post Referral for Emergency Treatment After Hours)**

18 69. Respondent's Veterinarian's License Number 9742 and Premise Permit  
19 Number 4414 are subject to disciplinary action under Code section 4883 and CCR section  
20 2030(e) in that Respondent failed to have a posted referral for emergency treatment after hours  
21 as required by CCR section 2030(e) as set forth in paragraph 34 above.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Expired Drugs)**

24 70. Respondent's Veterinarian's License Number 9742 and Premise Permit  
25 Number 4414 are subject to disciplinary action under Code sections 4883 and 4342 and CCR  
26 section 2030(f)(6) in that Respondent kept numerous drugs on the shelves in his work area that  
27 were expired in violation of Code section 4342 and CCR section 2030(f)(6) as set forth in  
28 paragraphs 35 and 47 above.

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3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Failure to Document Amounts of Controlled Substances)**

5 71. Respondent's Veterinarian's License Number 9742 and Premise Permit  
6 Number 4414 are subject to disciplinary action under Code sections 4883 and 4081 in that  
7 Respondent violated statutes, rules, and regulations regarding dangerous drugs and controlled  
8 substances when he failed to document the amounts of controlled substances given on patient  
9 charts in violation of section 4081 as set forth in paragraph 36 above.

10 **TENTH CAUSE FOR DISCIPLINE**

11 **(Incomplete and Inaccurate Controlled Substances Logs)**

12 72. Respondent's Veterinarian's License Number 9742 and Premise Permit  
13 Number 4414 are subject to disciplinary action under Code sections 4883 and 4081 in that  
14 Respondent violated statutes, rules, and regulations regarding dangerous drugs and controlled  
15 substances when he failed to keep complete and accurate controlled substances logs in violation  
16 of section 4081 as set forth in paragraphs 40, 45, and 49 above.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

18 **(Abnormal Use of Controlled Substances in Violation of Code Section 4883)**

19 73. Respondent's Veterinarian's License Number 9742 and Premise Permit  
20 Number 4414 are subject to disciplinary action under Code section 4883 in that Respondent  
21 violated statutes, rules, and regulations regarding dangerous drugs and controlled substances  
22 when he used far fewer amounts of controlled substances each month than he purchased. In  
23 addition, Respondent's usage of controlled substances was much higher than average.  
24 Respondent ordered a far wider range of various controlled substances than most practitioners  
25 would use. Respondent also used many controlled substances that are rarely used in veterinary  
26 medicine. These actions violate section 4883 as set forth in paragraph 41 above.

27 **TWELFTH CAUSE FOR DISCIPLINE**

28 **(Failure to Reconcile Drug Inventory to Controlled Substances Log )**

1           74.     Respondent's Veterinarian's License Number 9742 and Premise Permit  
2     Number 4414 are subject to disciplinary action under Code sections 4883 and 4081 in that  
3     Respondent violated statutes, rules, and regulations regarding dangerous drugs and controlled  
4     substances when he failed to reconcile his drug inventory to his controlled substances log in  
5     violation of section 4081 as set forth in paragraph 45 above.

6                               **THIRTEENTH CAUSE FOR DISCIPLINE**

7                               **(Improper Placement of Autoclave in Surgical Suite)**

8           75.     Respondent's Veterinarian's License Number 9742 and Premise Permit  
9     Number 4414 are subject to disciplinary action under Code section 4883 and CCR section  
10    2030(g)(1) in that Respondent violated statutes, rules, and regulations by placing his autoclave in  
11    his surgical suite in violation of CCR section 2030(g)(1) as set forth in paragraph 46 above.

12                              **FOURTEENTH CAUSE FOR DISCIPLINE**

13                              **(Controlled Substances Not Properly Secured)**

14           76.     Respondent's Veterinarian's License Number 9742 and Premise Permit  
15    Number 4414 are subject to disciplinary action under Code section 4883 and Code of Federal  
16    Regulations (CFR) section 1301.75 in that Respondent violated statutes, rules, and regulations  
17    regarding dangerous drugs and controlled substances when he failed to properly secure his  
18    controlled substances in violation of CFR section 1301.75 as set forth in paragraph 48 above.

19                              **FIFTEENTH CAUSE FOR DISCIPLINE**

20                              **(Failure to Properly Account for Controlled Substances)**

21           77.     Respondent's Veterinarian's License Number 9742 and Premise Permit  
22    Number 4414 are subject to disciplinary action under Code sections 4883 and 4081 in that  
23    Respondent violated statutes, rules, and regulations regarding dangerous drugs and controlled  
24    substances when he failed to properly account for controlled substances in violation of section  
25    4081 as set forth in paragraph 49 above.

26    ///

27    ///

28    ///



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3 **SIXTEENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Report Convictions on Renewal Applications)**

5 78. Respondent's Veterinarian's License Number 9742 and Premise Permit  
6 Number 4414 are subject to disciplinary action under Code sections 4846.4, 4883, and 4885 in  
7 that Respondent failed to report his April 21, 2004 conviction on his June 14, 2004 renewal  
8 application as set forth in paragraph 57 above.

9 79. Respondent's Veterinarian's License Number 9742 and Premise Permit  
10 Number 4414 are subject to disciplinary action under Code sections 4846.4, 4883, and 4885 in  
11 that Respondent failed to report his August 3, 2004 conviction on his June 27, 2006 renewal  
12 application as set forth in paragraph 58 above.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
15 alleged, and that following the hearing, the Veterinary Medical Board issue a decision:

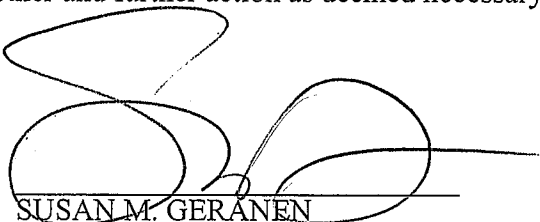
16 1. Revoking or suspending Veterinary Number 9742 issued to James  
17 Coghlan, DVM.

18 2. Revoking or suspending Premise Permit Number 4414, issued to West 17<sup>th</sup>  
19 Street Animal Hospital, James Coghlan, DVM, Managing Licensee.

20 3. Ordering James Coghlan, DVM to pay the Veterinary Medical Board the  
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
22 Professions Code section 125.3;

23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: 8/7/08

25  
26   
27 SUSAN M. GERANEN  
28 Executive Officer  
Veterinary Medical Board  
Department of Consumer Affairs